

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

<b>STATE OF OKLAHOMA, ex rel.</b>	)	
<b>W. A. DREW EDMONDSON, in his capacity as</b>	)	
<b>ATTORNEY GENERAL OF THE STATE OF</b>	)	
<b>OKLAHOMA and OKLAHOMA SECRETARY</b>	)	
<b>OF THE ENVIRONMENT C. MILES TOLBERT,</b>	)	
<b>in his capacity as the TRUSTEE FOR NATURAL</b>	)	
<b>RESOURCES FOR THE STATE OF OKLAHOMA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>05-CV-0329 TCK-SAJ</b>
	)	
<b>TYSON FOODS, INC., TYSON POULTRY, INC.,</b>	)	
<b>TYSON CHICKEN, INC., COBB-VANTRESS, INC.,</b>	)	
<b>AVIAGEN, INC., CAL-MAINE FOODS, INC.,</b>	)	
<b>CAL-MAINE FARMS, INC., CARGILL, INC.,</b>	)	
<b>CARGILL TURKEY PRODUCTION, LLC,</b>	)	
<b>GEORGE'S, INC., GEORGE'S FARMS, INC.,</b>	)	
<b>PETERSON FARMS, INC., SIMMONS FOODS, INC.,</b>	)	
<b>and WILLOW BROOK FOODS, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER GRANTING LEAVE TO FILE SUR-REPLY - DOCKET NO. 973**

This matter comes on for consideration pursuant to *Peterson Farms, Inc.'s Opposed Motion for Leave to File Sur-Reply on its Motion to Dismiss* filed on November 7, 2006 (Docket No. 973).

Having reviewed the Motion and Plaintiffs' Response, and for good cause shown, the Court finds that the Motion should be granted.

It is therefore ordered that Defendant, Peterson Farms, Inc. may file its *Sur-Reply to State of Oklahoma's Supplemental Brief in Opposition to Peterson Farms, Inc.'s Motion to Dismiss* and

*Alternative Motion to Stay the Proceedings* (Ex. “A” to Docket No. 973). The Court does not intend to allow any further briefing on this motion.

So ordered this 20th day of December, 2006.

A handwritten signature in cursive script, reading "Terence Kern". The signature is written in dark ink and is positioned above a horizontal line.

TERENCE KERN  
United States District Judge